



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,447	12/30/1999	DAVID JOHNSTON LYNCH	RCA89.894	6336

7590 05/04/2004
JOSEPH S TRIPOLI
THOMSON MULTIMEDIA LICENSING INC
P O BOX 5312
PRINCETON, NJ 085435312

EXAMINER

CHUNG, JASON J

ART UNIT	PAPER NUMBER
----------	--------------

2611

14

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/475,447

Applicant(s)

LYNCH, DAVID JOHNSTON

Examiner

Jason J. Chung

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 11,13-20 and 22-26.

Claim(s) withdrawn from consideration: _____.


8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 2. NOTE: The applicant argues on page 6-7 of the response that Collings has the user selectively enable or disable the override commands whereas the present invention differs because it includes the conflict resolver to resolve conflicts between two or more override instructions.

As previously disclosed, Colling discloses the user can use the main menu 80 (figure 5A) and press option 1 opens up the blocking menu (column 17, lines 1-32). Collings discloses pressing option 2 opens up a setup menu 100 and pressing option 1 on the setup menu (figure 5C) opens up a category threshold menu (figure 5D) (column 17, lines 33-57). Collings discloses the user can have blocking criteria saved in the memory 58 (column 17, lines 58-68). Collings discloses the master option can be used to disable all (least restrictive) of the blocking features of the apparatus (column 17, lines 20-32; figure 5B). Collings discloses the menu can be used to enable (most restrictive) or disable all of the features (column 17, lines 8-19; figure 5B); thus the user can have blocking criteria/criterion saved such as blocking a program with regard to ratings and allowing the same program with regard to channel or any other combination, thus a conflict is formed and user can use the master option to disable blocking (least restrictive) or use the master option to enable blocking (most restrictive), which meets the limitation on a conflict resolver resolving conflicts between overrides and the conflict resolver is switchable between a most restrictive and least restrictive mode and the limitation on first and second conflict resolution modes (claim 22).

The applicant argues that because a user selectively enables or disables all override commands, the limitation is not met. The examiner respectfully disagrees with this assertion and has taken a broader interpretation of the claimed invention. The claim language does not preclude the user not having input. The claim does not state that the conflict resolver cannot be a user inputting commands.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., no user input) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).



VIVEK SRIVASTAVA
PRIMARY EXAMINER